

USDS SDNY *Yaplen, J.*
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/29/2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHELLE CLINE and KELLY ENGSTROM,
Individually and On Behalf Of All Others
Similarly Situated,

Plaintiffs,

vs.

TOUCHTUNES MUSIC CORPORATION,

Defendant.

Index No.: 14 Civ. 4744 (LAK)

STIPULATION AND
PROPOSED ORDER

WHEREAS, by Summons and Complaint, dated July 23, 2014, plaintiffs Michelle Cline and Kelly Engstrom ("Plaintiffs") commenced this action;

WHEREAS, on September 17, 2014, the parties stipulated, and the Court so ordered, that the defendant TouchTunes Music Corporation's ("Defendant") time to respond to Plaintiffs' Complaint would be extended to October 22, 2014;

WHEREAS, on October 22, 2014, Defendant moved to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 23(d)(1)(D) (the "Motion");

WHEREAS, the counsel for the parties have met and conferred concerning briefing of the Motion and discovery; and

WHEREAS, no prior extensions have been requested concerning briefing on the Motion,

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties as follows:

1. Plaintiffs' brief in opposition to the Motion shall be filed by December 8, 2014;
2. Defendants' brief in reply and in further support of Motion, if any, shall be filed on or by December 23, 2014; and

3. Absent agreement by the parties, until such time as there is a final determination of the Motion, all discovery shall be stayed.

AGREED to this 27th day of October 27, 2014,

NEWMAN FERRARA LLP

By: 

Jeffrey M. Norton
Courtney F. Chenette
1250 Broadway, 27th Fl.
New York, NY 10001
Tel.: (212) 619-5400
Fax: (212) 619-3090
jnorton@nflfp.com
cchenette@nflfp.com

Counsel for Plaintiffs

MORRISON & FOERSTER LLP

By: 

Jamie A. Levitt
Cameron A. Tepfer
250 West 55th St.
New York, NY 10019
Tel.: (212) 468-8000
Fax: (212) 468-7900
jlevitt@mofo.com
ctepfer@mofo.com

Counsel for Defendant

SO ORDERED

Dated this 29th day of October, 2014







LM

Hon. Loretta A. Preska, U.S.D.J.